

IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	COA No. 24-3304
Plaintiff-Appellee,)	USDC No. 22-CR-5139-DGE
v.)	Western District of Washington
JOÃO RICARDO DEBORBA,)	(Tacoma)
Defendant-Appellant.)	UNOPPOSED MOTION TO
)	EXTEND OPENING BRIEF DUE
)	DATE

João Ricardo DeBorba, through counsel, moves this Court for an order extending the due date for the opening brief approximately¹ 60 days, to October 15, 2024. As confirmed by the Bureau of Prisons (BOP) roster, Mr. DeBorba's sentence was completed and he was released from BOP custody on July 26, 2024. Counsel for Mr. DeBorba has conferred with government counsel, who does not oppose the request for an extension of time.

Mr. DeBorba's opening brief is presently due August 15, 2024. No prior extensions have been sought. Counsel has acted diligently, but requires additional

¹ Adjusted by one day to account for a federal holiday.

time to complete Mr. DeBorba's Opening Brief. The issues on appeal relate to an evolving area of Second Amendment jurisprudence, impacted by *United States v. Rahimi*, 144 S. Ct. 1889 (2024) and other recent decisions. Counsel requires additional time to appropriately and fully brief these issues while managing obligations in her other cases.

Undersigned counsel's office has been understaffed in attorneys since approximately February 2024. Replacements for the open attorney positions only began last month. As a result, undersigned counsel has been managing a higher than normal caseload, including multiple cases with extensive discovery and in need of significant pretrial investigation.

In addition, since the filing of the Notice of Appeal in this case, undersigned counsel was responsible for completing a Washington personal restraint petition (similar to a habeas corpus petition) and a petition for a writ of coram nobis for another appointed client.

Due to counsel's substantial responsibilities in other appointed cases and the complex and evolving issues involved in Mr. DeBorba's appeal, counsel requests an extension of approximately 60 days to file the Opening Brief in this case. Counsel has acted diligently and intends to file the Opening Brief by the newly requested due date of October 15, 2024.

DATED this 5th day of August 2024.

Respectfully submitted,

s/ Rebecca Fish

Assistant Federal Public Defender
Attorney for João Ricardo DeBorba

CERTIFICATE OF SERVICE

I certify that on August 5, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all registered parties. I further certify I mailed one true and correct copy to João DeBorba at:

João Ricardo DeBorba
A-Number: 216659131
Northwest Detention Center
1623 E. J. Street, Suite 2
Tacoma, WA 98421

s/ Amy Strickling, Paralegal to
Rebecca Fish
Assistant Federal Public Defender